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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,746	01/26/2004	Steven J. Dimig	87801-9004-01	8758
23409	7590	05/12/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,746	Applicant(s) DIMIG ET AL.	
	Examiner Lloyd A. Gall	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last line of claim 1, it is not understood what is meant by "corresponding to at least three operational modes". Also, in the last two lines of claim 2, "at least one" and "both" are not understood, as it is not clear in what sense one control element ("at least one" allows for only one) is occupying both of the first and second positions.

In view of the above rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by the EP reference (644).

The EP reference teaches a modular latch assembly including at least one control element 26, space within the housing of the latch assembly which is capable of receiving the control element in one position as seen in fig. 3A, and a second position when the control element is actuated by the cable 16. The control element 26 has a

first state in the fig. 3A condition wherein the control element has a first path of motion, and a second state in fig. 3C wherein element 36 creates a second path of motion of control element 26. It is also noted that the claiming of "positions" and "modes" in claims 1 and 2 are broad limitations, and are regarded as taught by the EP reference. Further, with respect to "corresponding to at least three operational modes" in the last line of claim 1 is also regarded as a structurally unsupported functional limitation, and it is noted that all degrees of movement of the control element 26 of the EP reference may be regarded as different "operational modes", and at least three are defined by the EP reference. The input element 16 is capable of being interchangeably coupled to a second control element at 38 or at 50 in fig. 3a. The EP reference also teaches a pawl 30, a ratchet 24, a first user-input element 16, a user-operable device 92 cooperable with the input element 16, a second control element at 38 or 50, 40, a bell crank 40, cam surfaces 36, 44, a second input element (key cylinder) or the rod connected to slot 38 (column 3, line 25), a second user-operable device (the key for the lock cylinder), or the handle for the rod of slot 38, an engagement element 38. With respect to the last line of claim 1, it is also noted that the claim is not drawn to a method of use of a latch assembly, whereby components may be removed.

Applicant's arguments filed March 3, 2006 have been fully considered but they are not persuasive. In response to applicant's remarks, the claims are rejected as best understood, as set forth above. It is also noted that with respect to the last line of claim 1, it is noted that the claim is not drawn to a method of use of a latch assembly, whereby components may be removed and the latch assembly used in different modes,

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and “corresponding to at least three operational modes” is regarded as a structurally unsupported functional limitation, of no patentable significance. Also, at least three operational modes are taught by the EP reference, since all degrees of movement of the control element 26 of the EP reference may be regarded as an operational mode. The control element 26 is also movable is first and second paths of movement, as set forth in the above rejection. With respect to applicant’s remarks in the last paragraph of page 10, it is noted that no removing of components is being claimed. In response to applicant’s remark on page 10, the penultimate line, it is not clear which claim is being referred to by “do not each have” the first and second path of motion, nor is such claimed in claim 1. The remainder of applicant’s remarks are regarded as moot, in view of the above grounds of rejection and the examiner’s remarks in this paragraph.

Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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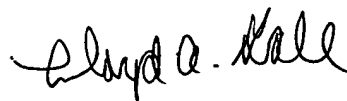
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
May 11, 2006


Lloyd A. Gall
Primary Examiner